

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. **0XCR-XXXXX**  
 )  
 JOHN DOE, )  
 )  
 Defendant. )

**MOTION TO ALLOW THE STATE TO TAKE  
AN EVIDENCE DEPOSITION OF A WITNESS**

Now come the PEOPLE OF THE STATE OF ILLINOIS, by their Attorney,  
**ANITA ALVAREZ**, State's Attorney of Cook County, Illinois, through her  
Assistant, **Jane Lawyer**, and move this Honorable Court to allow the State to  
take an Evidence Deposition of one of its witnesses, Mr. Victim. In support of the  
motion, the People state the following:

1. Illinois Supreme Court Rule 414(a) allows the taking of an evidence deposition if it appears to the court in which a criminal charge is pending that the deposition is necessary for the preservation of relevant testimony because of the substantial possibility it would be unavailable at the time of trial.
2. The witness, Mr. Victim, is the victim in this cause and is 69 years of age. As a result of the acts alleged to be caused by defendant John Doe in this case, Mr. Victim suffered serious injuries which causes a

substantial possibility that he would be unavailable at the time or hearing or trial. These injuries include traumatic brain injuries including a subdural hematoma and a subarachnoid hemorrhage. Mr. Victim has been continually hospitalized or in a nursing care facility since May 8, 2007. For these reasons, it is reasonable to allow the taking of his deposition to insure that the vital evidence he can offer of this crime is preserved and available for trial.

3. The People will provide the opportunity for confrontation and cross-examination of the witness to the defendant and her attorney.
4. Pursuant to Illinois Supreme Court Rule 206, the People hereby indicate that if its Motion for an Evidence Deposition is granted, it intends to record the deponent's testimony by use of stenographic and/or audiovisual recording device.

Wherefore, the People of the State of Illinois pray that the court allow the evidence deposition of the victim by stenographic and/or audiovisual recording device and pursuant to order of this Court within (30) days.

ANITA ALVAREZ  
State's Attorney of Cook County

BY: \_\_\_\_\_

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